

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ANDREW MOMMSEN,  
HUGH MOMMSEN and KAREN  
MOMMSEN,

Plaintiffs,

v.

TOYOTA MOTOR CORPORATION,

Defendant.

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ORDER

07-cv-455-bbc

An hearing on evidentiary motions was held by telephone in this case on September 26, 2008, before United States District Judge Barbara B. Crabb. Plaintiffs were represented by Eric Todd Tracy and Cathy Cetrangolo. Defendant was represented by Bard Borkon, Mary Novacheck and Marcella Spoto.

After hearing argument, I ruled that plaintiffs' motion to strike Motoki Shibata as a witness was DENIED. Mr. Shibata cannot testify as an expert or refer to any document not turned over to counsel before today, but he may testify about the processes and procedures that Toyota used for testing of its vehicles and their equipment.

Defendant's motion to strike plaintiffs' September 9, 2008 expert disclosure is

DENIED except as it relates to anything about the Toyota retractor at issue such as safe testing. However, he may testify about the European web retractor from a European car that he tested and analyzed.

Counsel were advised that there may be some calendar congestion during the week of November 3, 2008. They will be kept up to date on the trial calendar so that they can plan their cases and schedule their witnesses. At this time it appears that a prisoner case will go forward on Monday, November 3, 2008. After the jury is drawn in that case, the magistrate judge will draw the jury in this case. A court trial will begin on Tuesday morning. Trial in this case will begin as soon as testimony is completed in the court trial. If the court trial settles, this case will proceed to trial on Tuesday morning.

Entered this 26th day of September, 2008.

BY THE COURT:  
/s/  
BARBARA B. CRABB  
District Judge